

House Bill 1587

By: Representatives Smith of the 113th, Burmeister of the 119th, and Smith of the 131st

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open
2 and public meetings, so as to change certain provisions relating to meetings to be open to
3 public, limitation on action to contest agency action, recording, notice of time and place,
4 access to minutes, and telecommunications conferences; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public
9 meetings, is amended by striking subsections (d) and (e) of Code Section 50-14-1, relating
10 to meetings to be open to public, limitation on action to contest agency action, recording,
11 notice of time and place, access to minutes, and telecommunications conferences, and
12 inserting in lieu thereof the following:

13 "(d) Every agency shall prescribe the time, place, and dates of regular meetings of the
14 agency. Such information shall be available to the general public and a notice containing
15 such information shall be posted and maintained in a conspicuous place available to the
16 public at the regular meeting place of the agency. Meetings shall be held in accordance
17 with a regular schedule, but nothing in this subsection shall preclude an agency from
18 canceling or postponing any regularly scheduled meeting. Whenever any meeting required
19 to be open to the public is to be held at a time or place other than at the time and place
20 prescribed for regular meetings, the agency shall give due notice thereof. 'Due notice' shall
21 be the posting of a written notice for at least 24 hours at the place of regular meetings and
22 giving of written or oral notice at least 24 hours in advance of the meeting to the legal
23 organ in which notices of sheriff's sales are published in the county where regular meetings
24 are held or at the option of the agency to a newspaper having a general circulation in said
25 county at least equal to that of the legal organ; provided, however, that in counties where

1 the legal organ is published less often than four times weekly 'due notice' shall be the
2 posting of a written notice for at least 24 hours at the place of regular meetings and, upon
3 written request from any local broadcast or print media outlet whose place of business and
4 physical facilities are located in the county, notice by telephone or facsimile to that
5 requesting media outlet at least 24 hours in advance of the called meeting. When special
6 circumstances occur and are so declared by an agency, that agency may hold a meeting with
7 less than 24 hours' notice upon giving such notice of the meeting and subjects expected to
8 be considered at the meeting as is reasonable under the circumstances including notice to
9 said county legal organ or a newspaper having a general circulation in the county at least
10 equal to that of the legal organ, in which event the reason for holding the meeting within
11 24 hours and the nature of the notice shall be recorded in the minutes. Whenever notice
12 is given to a legal organ or other newspaper, that publication shall immediately make the
13 information available upon inquiry to any member of the public. Any oral notice required
14 or permitted by this subsection may be given by telephone. Any official action taken by
15 a consolidated government after midnight of the day for which notice was given shall be
16 void unless such following time and date were included in the same notice.

17 (e)(1) Prior to any meeting, the agency holding such meeting shall make available an
18 agenda of all matters expected to come before the agency at such meeting. The agenda
19 shall be available upon request and shall be posted at the meeting site, as far in advance
20 of the meeting as reasonably possible, but shall not be required to be available more than
21 two weeks prior to the meeting and shall be posted, at a minimum, at some time during
22 the two-week period immediately prior to the meeting. Failure to include on the agenda
23 an item which becomes necessary to address during the course of a meeting shall not
24 preclude considering and acting upon such item, except that no action by any political
25 subdivision adopting any moratorium on either rezoning of property or issuance of
26 building permits shall be taken unless such proposed action was included on the agenda
27 in a paragraph separate from all other paragraphs in the agenda and in type size and
28 boldness at least as great as the greatest type size and boldness anywhere in the notice.

29 (2) A summary of the subjects acted on and those members present at a meeting of any
30 agency shall be written and made available to the public for inspection within two
31 business days of the adjournment of a meeting of any agency. The minutes of a meeting
32 of any agency shall be promptly recorded and such records shall be open to public
33 inspection once approved as official by the agency, but in no case later than immediately
34 following the next regular meeting of the agency; provided, however, nothing contained
35 in this chapter shall prohibit the earlier release of minutes, whether approved by the
36 agency or not. Said minutes shall, as a minimum, include the names of the members

1 present at the meeting, a description of each motion or other proposal made, and a record
2 of all votes. In the case of a roll-call vote the name of each person voting for or against
3 a proposal shall be recorded and in all other cases it shall be presumed that the action
4 taken was approved by each person in attendance unless the minutes reflect the name of
5 the persons voting against the proposal or abstaining."

6 **SECTION 2.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law
8 without such approval.

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.